

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue, Room 217
Rockville, Maryland 20850
(240) 777-6600**

<http://www.montgomerycountymd.gov/boa/>

WORKSESSION MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, June 8, 2016

ACTION ITEMS:

1. Minutes of May 11, 2016, Worksession.

Action: Approved, [(ESR/JHP, 4-0) SBB-abstained].

2. Minutes of May 18, 2016, Worksession.

Action: Approved, [(BG/JHP, 4-0) SBB-abstained].

3. **CBA-609, Petition of Mohican Swimming Pool Association** (Community Swimming Pool). Letter to the Board from Jody Kline, Esquire, requesting an administrative modification of the special exception. Also included is a letter from William R. Stromsem, opposing the request for administrative modification.

Action: Request withdrawn at the request of counsel.

4. **CBA-2521-K, Petition of Montgomery General Hospital d/b/a Medstar Montgomery Medical Center** (Hospital). Letter to the Board from Soo Lee-Cho, Esquire, and Jody Kline, Esquire, requesting reconsideration of the Board's May 5, 2016, Resolution to Deny Modification of Special Exception. Also included is a letter from David W. Brown, Esquire, opposing the request for reconsideration.

Action: Granted reconsideration, (SBB/CJS, 5-0).

5. **S-274-D, Petition of Suburban Hospital** (Hospital). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire, requesting that the Board (1) suspend its May 17, 2016 resolution ordering a hearing on possible violations of the Hospital's special exception, (2) order HTCA to reduce its complaint about possible violations of condition #3 of S-274-D by houses at 5418, 5422, and the second floor of 5410 McKinley Street to writing, and (3) refer that complaint to DPS for inspection. Also included is a letter from Ms. Sears and Ms. Girard making clear that the May 18th letter should be considered a request for reconsideration. Also included is a letter from Norman Knopf, Esquire, opposing Suburban Hospital's request for reconsideration on BOA decision to hold a hearing on compliance. Also included is a letter from Department of Permitting Services indicating that the Department never received or investigated complaints alleging special exception violations at the properties located at 5418 and 5422 McKinley Street.

Action: (a) Re-opened the records of Case Nos. S-577 and S-274-D to receive the above-referenced correspondence (dated May 18, 2016, May 23, 2016, June 3, 2016 and June 6, 2016); (b) except to the extent that the May 17, 2016, Resolution re-opened the records of Case Nos. S-577 and S-274-D, voted to suspend that Resolution; and (c) requested that the HTCA file a written complaint with DPS so that an investigation could be conducted, (JHP/BG, 5-0).

6. **S-1095, Petition of 7725 OGR, LLC** (Automobile Filling Station). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, requesting revocation of the special exception as abandoned. Also included is confirmation of the abandonment from the current property owner and from a representative of the petitioner.

Action: Revoked the special exception as abandoned, (SBB/ESR, 5-0).

7. **S-2136, Petition of Potomac Manor, LLC** (Group Home for the Elderly). Letter to the Board from Jody Kline, Esquire, confirming the sale of this property to Potomac Manor, LLC, and requesting an administrative modification of the special exception.

Action: Granted the administrative modification, (JHP/ESR, 5-0).

8. **S-2668, Petition of Taiwan Culture Center, Inc.** (Service Organization). Memorandum to the Board from Jennyffer Vargas, Inspector, Department of Permitting Services, reporting on the results of her inspection of a complaint filed about BOA Case No. S-2668. Ms. Vargas found no violation of the special exception.

Action: Re-opened the record to receive Ms. Vargas' report and dismissed the complaint as there were no violations, (ESR/BG, 5-0).

PENDING ITEMS:

9. **CBA-2047, Petition of Potomac Place Limited Partnership** (Off-street Parking). Memorandum to the Board from Barbara Cox, Inspector, Department of Permitting Services, in response to BOA Resolution of November 19, 2015. Item deferred for additional information, (consensus). [W/S: 1/6/16].
10. **CBA-1730, Petition of Stanley Rakusin and Arthur P. Becker** (Apartment Hotel). Letter to the Board from Robert R. Harris, Esquire, requesting reconsideration of the Board's revocation of special exception CBA-1730, and asking that the special exception be reinstated. Item deferred (consensus). [W/S: 4/27/16].

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